

REMARKS

Reconsideration of this application, as amended, is respectfully requested. Claims 1, 26, 38 and 45 have been amended without prejudice or disclaimer. These amendments do not add any new matter and are supported by the application as originally filed. Applicants reserve the right to prosecute any canceled or otherwise unclaimed subject matter in this or another application. Consideration and entry of these amendments and comments are respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 1-30 and 38-43 stand rejected under 35 U.S.C. § 101. Claims 1, 26 and 38 have been amended by placing the word “isolated” before “nucleic”. Accordingly, withdrawal of these rejections is therefore respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 45-50 stand rejected under 35 U.S.C. 102(b) as being anticipated by Paoletti et al. (U.S Pat. No. 5,833,975). Claim 45 has been amended as suggested by the Examiner; namely, the claims now relates to a nucleic acid molecule “including at least the sequence set forth by nucleotides 421-1490 of SEQ ID NO.:28.” Accordingly, withdrawal of these rejections is therefore respectfully requested.

CONCLUSIONS

Applicants respectfully request consideration and entry of this reply. Applicants believe the claims are in condition for allowance and request that a Notice of Allowance be issued as soon as possible. The Examiner is encouraged to contact the Applicants' undersigned representative if it is believed doing so would expedite prosecution of this application.

Date: September 12, 2009

Respectfully submitted,

/Patrick J. Halloran/

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